

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LANE KELLY WHITTENBERG,

Plaintiff,

v.

JOSE TOVAR AYALA, et al.,

Defendants.

Case No. 1:22-cv-00197-JLT-EPG (PC)

ORDER APPROVING STIPULATION FOR  
AN ORDER VACATING THE COURT'S  
MARCH 16, 2023 ORDER AS MOOT

ORDER VACATING MARCH 16, 2023  
ORDER AS MOOT

ORDER DENYING STIPULATION FOR AN  
ORDER RE: CONFIDENTIAL  
COMMUNICATIONS BETWEEN  
WHITTENBERG AND HIS COUNSEL OF  
RECORD AS MOOT

(ECF Nos. 31, 32, 33, & 34)

ORDER DIRECTING CLERK TO SERVE A  
COPY OF THIS ORDER ON THE WARDEN  
OF UNITED STATES PENITENTIARY  
VICTORVILLE, THE UNIT MANAGER  
FOR UNITED STATES PENITENTIARY  
VICTORVILLE, AND ASSISTANT UNITED  
STATES ATTORNEY BRENDON L. S.  
HANSEN

On March 14, 2023, the parties filed a joint stipulation for an order re: confidential communications between Whittenberg ("Plaintiff") and his counsel of record. (ECF No. 31). Among other things, the parties requested that this Court order United States Penitentiary Victorville to allow for certain confidential communications between Plaintiff and his counsel related to an ongoing civil case pending in this Court. On March 16, 2023, the Court allowed the

1 Warden of United States Penitentiary Victorville to file a response to this request. (ECF No. 32).

2 On March 22, 2023, the parties filed a joint stipulation for an order vacating the Court's  
3 March 16, 2023 order. (ECF No. 34).<sup>1</sup> According to the stipulation, the parties were informed  
4 that Plaintiff is no longer housed at United States Penitentiary Victorville. (Id. at 3).

5 Having reviewed the March 22, 2023 stipulation, the Court hereby finds GOOD CAUSE  
6 to order as follows:

- 7 1. The joint stipulation for an order re: confidential communications between  
8 Plaintiff and his counsel of record (ECF No. 31) is DENIED as moot;
- 9 2. The Court's March 16, 2023 Order, giving the Warden of United States  
10 Penitentiary Victorville until March 24, 2023, to respond to the parties' March 14,  
11 2023, stipulation, is vacated as moot based on the fact that Plaintiff is no longer  
12 housed at United States Penitentiary Victorville;
- 13 3. The parties are to submit a new stipulation and proposed order requesting "leave"  
14 to depose Plaintiff;
- 15 4. The parties are to contact the Court with any additional requests for relief related  
16 to Plaintiff's relocation by separate stipulation should they become necessary;
- 17 5. The Clerk of Court is directed to serve the Warden of United States Penitentiary  
18 Victorville with a copy of this order at USP VICTORVILLE, U.S.  
19 PENITENTIARY, P.O. BOX 5400, ADELANTO, CA 92301;
- 20 6. The Clerk of Court is directed to serve the Mr. Wilson, Unit Manager for United  
21 States Penitentiary Victorville, with a copy of this order at USP VICTORVILLE,  
22 U.S. PENITENTIARY, P.O. BOX 5400, ADELANTO, CA 92301;
- 23 7. The Clerk of Court is directed to serve Assistant United States Attorney Brendon  
24 L. S. Hansen with a copy of this order; and

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28 <sup>1</sup> The parties filed an identical stipulation on the same day that did not have Exhibit A attached. (ECF No. 33).

8. The Clerk of Court is directed to send a copy of this to the following email addresses: 1) VIM-ExecAssistant-S@bop.gov; and 2) s4wilson@bop.gov.

IT IS SO ORDERED.

Dated: **March 23, 2023**

/s/ Eric P. Goss  
UNITED STATES MAGISTRATE JUDGE